IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:03-cr-00054-GCM-SCR

UNITED STATES OF AME	RICA,)	
	Plaintiff,)	
)	
v.)	
)	
JAMES DAVID NICHOLS,)	WRIT OF CONTINUING
	Defendant,)	GARNISHMENT
)	
and)	
)	
FIBRIX, LLC,)	
	Garnishee.)	
)	

TO GARNISHEE: Fibrix, LLC

Attention: Payroll 1820 Evans St. NE Conover, NC 28613

An Application for a Writ of Continuing Garnishment against property of Defendant, James David Nichols, has been filed with this Court (Doc. No. 81). An amended judgment was entered against Defendant (Doc. No. 70). The Clerk of Court current total is \$1,441.04, computed through March 20, 2024, and is due and owing.

You, as the Garnishee, are required by law to answer in writing, under oath, within ten (10) days of service of this Writ, whether or not you have in your custody, control, or possession any property or funds owned by the Defendant, including nonexempt, disposable earnings.

You must withhold and retain any property in which the Defendant has a substantial nonexempt interest and for which you are or may become indebted to the Defendant pending further order of the Court. This means that you should withhold twenty-five percent (25%) of the

Defendant's disposable earnings which remain after all deductions required by law have been withheld, or the amount by which the Defendant's disposable earnings for each week exceed thirty (30) times the federal minimum wage, whichever is less. *See* 15 U.S.C. § 1673(a).

Please state whether or not you anticipate paying the Defendant any future payments and whether such payments are weekly, bi-weekly, monthly, annually, or bi-annually.

You must file the original written Answer to this Writ within ten (10) days of your receipt of this Writ with the Court:

Clerk of the United States District Court 401 West Trade Street Charlotte, North Carolina 28202

Additionally, you are required by law to serve a copy of the Answer upon the

Defendant at the Defendant's last known address:

James David Nichols
XXXXXXXX

Maiden, North Carolina XXXXX

You are also required to serve a copy of the Answer upon the United States at the following address:

Financial Litigation Unit United States Attorney's Office 227 West Trade Street, Suite 1650 Charlotte, North Carolina 28202

Under the law, there is property which may be exempt from this Writ of Garnishment.

Property which is exempt and which is not subject to this order may be listed on the form, entitled "Claim for Exemption."

Pursuant to 15 U.S.C. § 1674, you, the Garnishee, are prohibited from discharging the Defendant from employment by reason of the fact that his earnings have been subject to garnishment for any one indebtedness.

Pursuant to 28 U.S.C. § 3205(c)(6), if you fail to answer this Writ or withhold property or funds in accordance with this Writ, the United States may petition the Court for an order requiring you to appear before the Court to answer the Writ and to withhold property before the appearance date. If you fail to appear, or do appear and fail to show good cause why you failed to comply with this Writ, the Court shall enter a judgment against you for the value of the Defendant's nonexempt interest in such property. The Court may award a reasonable attorney's fee to the United States and against you if the Writ is not answered within the time specified. It is unlawful to pay or deliver to the Defendant any item attached by this Writ.

SO ORDERED.

Signed: March 21, 2024

Susan C. Rodriguez

Radija United States Magistrate Judge